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Kenneth D'Alessandro
Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449

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In re Application of
Jakush, et al.
Application No. 09/650,073
Filed: August 29, 2000
Attorney Docket No. 97-676.5

OFFICE OF PETITIONS
DECISION ON PETITION

This is a decision on the petition filed on March 4, 2002, under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper response to the non-final Office action mailed December 27, 2000. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time pursuant to 37 CFR 1.136(a) permitted. A request for Continued Prosecution Application (CPA), made timely by an accompanying petition for a three-month extension of time, was filed on June 28, 2001¹. However, this reply could not be accepted as filing of a CPA is no longer permitted in an application filed after May 29, 2000². Moreover, the reply could not be treated as a Request for Continued Examination as prosecution in the application is not closed. No further extensions to file a proper reply being obtainable, the above-identified application became abandoned on June 28, 2001. A Notice of Abandonment was mailed on October 16, 2001.

Petitioner has met the requirements to revive the above-identified application, pursuant to 37 C.F.R. §1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the required statement of unintentional delay.

The application file is being forwarded to Technology Center 1714 for consideration of the amendment filed March 4, 2002.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ It appears that this response was accepted as timely filed pursuant to §1.10, having been deposited on June 27, 2001 in the USPS Express Mail Post Office to Addressee service.

² 37 CFR 1.53(d).